



Federal Communications Commission
Washington, D.C. 20554

DA 07-3526

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Humanity Interested Media, Inc.
c/o M. Scott Johnson, Esquire
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street
11th Floor
Arlington, VA 22209

Re: Request for Special Temporary Authority
NTSC Station KTBU(TV), Conroe, TX
File No. BSTA-20070409ADA
Facility ID No. 28324

Dear Applicant:

This is with respect to the above-captioned application for Special Temporary Authority (STA) to relocate the facilities of NTSC Station KTBU(TV), Channel 55, Conroe, Texas to a new tower near Missouri City, Texas (the "Richland Tower") to be co-located with the station's digital facilities.

Station KTBU(TV) currently operates with reduced facilities at its NTSC site. During the time necessary to determine whether its damaged current antenna must be replaced you state that the station will be off the air for significant periods and that its audience and the public interest would not be served thereby. Accordingly, you filed the subject STA request which specifies facilities virtually identical to those previously specified in an application (BPCT-20020118AAW) for modification of KTBU's license. That application was denied on February 19, 2004.

Your modification application was not granted because it presented significant coverage and short-spaced interference concerns, factors that remain despite the fact that you propose to operate pursuant to STA rather than permanent authority. Moreover, in denying the modification application, we noted that you did not allege that the existing site or other fully spaced sites are not available. Similarly, other than your preference for the proposed site and increased coverage it affords, you do not allege anything with respect to unavailability of temporary equipment at your authorized site, or a less short-spaced site, to effectuate any necessary repairs without significant interruption of current service. Similarly, you do not address the use of an emergency antenna at your authorized site pursuant to Section 73.1680 of the Commission's Rules, 47 CFR §73.1680.

STA is the appropriate mechanism by which temporary relief is afforded in cases of unforeseen emergencies affecting a station's authorized facilities. As such, STA is generally restricted to the station's existing service area. In the instant request, you propose to construct

essentially a new broadcast station with a new and increased service area for which you could not obtain permanent authority. Under these circumstances, it is inappropriate to effectuate such a change pursuant to STA.

Finally, Congress has directed the Commission expeditiously auction the lower 700 MHz spectrum by January 28, 2008.¹ As a result, the Commission has imposed a freeze on the expansion of service areas for stations operating on Channels 52-59.² Grant of the requested STA or other operating authority as proposed would impair the Commission's ability to effectuate Congressional direction.

For these reasons, we find that operation of the proposed facilities pursuant to STA is not warranted. Accordingly, the above-captioned application for STA IS DENIED.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹ See Deficit Reduction Act of 2005, Title III, Pub. L. No. 109-171, 120 Stat. 4 (2006).

² See *Public Notice*, Freeze on the Filing of TV and DTV "Maximization Applications in Channels 52-59, 17 FCC Rcd 11290 (2002).